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Office of Infrastructure Protection, Infrastructure
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VIA ELECTRONIC SUBMISSION: http://www.regulations.gov


IPC—the Association Connecting Electronics Industries appreciates the opportunity to submit comments in response to the Department of Homeland Security (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) advanced notice of public rulemaking. The majority of IPC member facilities are very small, employing less than 200 persons per site. Nevertheless, many use chemicals on appendix A at or above threshold quantities and are subject to full CFATS regulation. Over a dozen IPC member sites are currently covered by the regulations and have been audited by DHS.

IPC, a global trade association, represents all facets of the electronic interconnection industry, including design, printed board manufacturing, electronics assembly, and suppliers to this industry. Printed boards and electronic assemblies are used in a variety of electronic devices that include computers, cell phones, pacemakers, and sophisticated missile defense systems. IPC has over 3,700 member companies, 2,200 of which are located in the U.S. As a member-driven organization and leading source for industry standards, training, market research and public policy advocacy, IPC supports programs to meet the needs of an estimated $1.7 trillion global electronics industry.

IPC supports the goal of the CFATS program in strengthening security oversight of chemicals that could be used in terrorist activities. While, IPC members have found the DHS auditors and inspectors to be generally quite knowledgeable and helpful, interpretations and suggestions sometimes vary between audit teams and between DHS regions. IPC members already employ reasonable physical and inventory controls over their chemicals. Consequently, the added benefits of CFATS are marginal, and compliance costs generally exceed any benefits.
DHS’s proposed changes to the CFATS regulation do not effectively address our member’s compliance issues and burdens associated with the rule. IPC members report the following major issues with respect to CFATS compliance:

- CFATS has been costly to implement and manage at the site level. Completion of the online Site Security Plan (SSP) modules is time consuming, requiring an average of over 240 man-hours per site. Multiple site personnel must complete the on-line registration for Chemical-Terrorism Vulnerability Information (CVI) to participate effectively in compliance activities. Some facilities have reduced their inventory of Chemicals of Interest (COI) or reduced concentrations of regulated chemicals to below the program’s threshold quantities. These facilities have filed new Top Screens, but have been directed to complete new Security Vulnerability Assessment (SVA) and SSP submissions even though they should have become exempt.

- Printed circuit board manufactures neither manufacture nor sell DHS chemicals of interest above threshold quantities. However, because DHS threshold levels are extremely low (often a single 55-gal drum or less), it is quite common for facilities to use a single chemical of interest at above the threshold levels. DHS considers possession of a single chemical above the threshold sufficient to issue a tier rating, classify the facility as “high risk,” and subject the site to full coverage under the regulations. To reduce their regulatory burden facilities have reduced COI concentrations and inventories. This often requires reduction of chemical packaging sizes, reformulation or both. As a result, companies face higher raw materials costs and an increased number of deliveries in order to remain below the threshold. The additional deliveries put more hazardous materials in transit and result in the additional energy use and pollution from the increased transportation needs. Unfortunately, placing COI in smaller containers and increasing commercial traffic may actually increase theft risk, contrary to the intent of the regulations.

- CFATS online SSP tool does not provide a functional SSP. It is simply a 228 page inventory list of administrative, operational, and physical security measures employed at a site. The questions posed in the SSP tool must all be answered by cross referencing against the facility’s actual documentation, equipment, and procedures. The online SSP is divided into sections according to 18 DHS Risk Based Performance Standards (RBPS) modules. Since many security measures apply to more than one RBPS, respondents must also continually cross check between sections check to ensure their responses are accurate and consistent. This is a cumbersome and exhausting process, made even more so because the tool has no real-time internal validation programming or effective
navigation capabilities. In order to modify a response to one RBPS question, you must start at the beginning of the SSP tool, and proceed in a linear sequence to the end. The tool provides no shortcut routing allowing a respondent to navigate directly to their destination. The need to enter data multiple times in different sections greatly expands the potential for errors. Scrolling through 100-200 pages to reach your question of interest is frustrating and time consuming.

- Differences in language and definitions used between commercial, industrial, and military sectors make it very confusing and difficult for respondents to correctly address the questions. This is of particular relevance with respect to the term “asset,” as well as, definitions of a facility, building, or controlled asset’s “perimeter.” By standardizing and clarifying their terms and definitions, DHS could greatly reduce the time and confusion associated with completion of SVA and SSP preparation.

**Recommendations**

Unfortunately, the proposed revisions to CFATS do not address the issues outlined above. IPC would like to propose four suggestions:

1. Raise the Appendix A chemical thresholds, raise the tier thresholds, or both. This would allow smaller, very low risk, facilities to exit the regulations. As DHS has indicated, 3,261 facilities nationwide have been identified as “high risk” facilities. This includes over a dozen IPC member facilities, most with a single COI at just above an appendix A threshold. DHS cast their net extremely broadly in the original rule. Appendix A thresholds are so low, with such low standard for what constitutes a “high risk” facility, that many facilities with insubstantial risks have become subject to the full set of regulatory requirements. DHS would greatly benefit from refining the CFATS program, and allowing their limited resources to be more effectively focused on our nation’s higher risk facilities. Facilities could still be encouraged to voluntarily adopt DHS RBPS measures, or perhaps become subject to a smaller, limited, or streamlined, subset of RBPS measures and SSP provisions.

2. DHS should provide a generic, functional, SSP template. Facilities could simply attach their documentation to the SSP template, or enter the relevant information directly into the SSP by filling in the blanks. At the end of the data entry process facilities would possess a functional SSP. Opportunities for conflicting data
would be greatly reduced, if not eliminated altogether. The resulting SSP should be easy to manage, navigate, audit, and modify.

3. DHS should take this opportunity to clarify and standardize its use of the terms asset and perimeter. While these terms may be common in military use, they are not commonly used in the commercial and civilian arena. Failure to accurately interpret these terms in initial development of the SSP has resulted in serious, critical, faults in SSP preparation and submission.

4. Eliminate requirements to submit revised SVA and SSP submissions when a facilities revised Top Screen indicates that COI is no longer present above DHS program thresholds.

IPC appreciates the opportunity to make these comments. Please contact me at fabrams@ipc.org or (202) 661-8092 should you have any questions.

Sincerely,

Fern Abrams
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